

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NATIONWIDE MUTUAL INSURANCE
COMPANY,

Plaintiff,

v.

ALEXANDER HOLTON, et al.,

Defendants.

No. C-04-4933 MMC

**ORDER STRIKING WESTOBY
DEFENDANTS' ANSWER**

On July 11, 2005, defendants John Westoby and Lynn Westoby ("Westoby defendants") electronically filed an answer to the First Amended Complaint. The Westoby defendants violated General Order 45 and the Court's standing orders, however, by failing to deliver to the Clerk's Office "no later than noon on the business day following the day that the papers are filed electronically, one paper copy of each document that is filed electronically . . . marked 'Chambers Copy' and . . . clearly marked with the judge's name, case number, and 'Chambers Copy-Do Not File.'" See General Order 45 § VII.G; see also Standing Orders For Civil Cases Assigned to The Honorable Maxine M. Chesney ¶ 2.

In an order filed July 22, 2005, the Court ordered the Westoby defendants to immediately submit a chambers copy of their answer, and warned them that if they failed in the future to comply with the Court's order to submit chambers copies of electronically-filed documents, the Court would consider imposing sanctions, including, but not limited to,

1 striking from the record any electronically-filed document of which a chambers copy had not
2 been timely provided to the Court.

3 The Westoby defendants again have violated the Court's order by failing to lodge a
4 chambers copy of their answer. The Court expects the parties to comply with the Court's
5 orders without being repeatedly reminded to do so. Accordingly, the Court hereby
6 STRIKES the Westoby defendants' answer from the record, without prejudice to their filing
7 a new copy of the document in compliance with General Order 45 and accompanied by a
8 declaration explaining the reasons for their failure to date to abide by the Court's orders.

9 **IT IS SO ORDERED.**

10 Dated: July 29, 2005

/s/ Maxine M. Chesney
MAXINE M. CHESNEY
United States District Judge